

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	Confirmation No.:	5575	
Antony K. Spilman <i>et al.</i>	Group Art Unit:	2613	
Serial No.:	10/798,146	Examiner:	Liu, Li
Filed:	March 11, 2004	Docket No.	30030483-2
For: <b>RATE ADAPTIVE OPTICAL COMMUNICATION SYSTEM AND METHOD THEREOF</b>			

**AMENDMENT AND RESPONSE**

Mail Stop: Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SMITH FROHWEIN TEMPEL  
GREENLEE BLAHA LLC  
CUSTOMER NO.: 35856

Sir:

The non-final Office Action, sent electronically on May 15, 2008, has been carefully considered. In response, please enter the following amendments and consider the following remarks.

**Amendments to the Claims** begin on page 2 of this paper.

**Remarks** begin on page 4 of this paper.

**AUTHORIZATION TO DEBIT DEPOSIT ACCOUNT**

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account No. 50-3718.

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being electronically transmitted to the U.S. Patent and Trademark Office via EFS-WEB to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 9, 2008

/Robert A. Blaha/  
Robert A. Blaha